IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

SUO MOTU CONTEMPT PETITION NO. 5 OF 2006.

Shri R.S. Dhoiphode,
Recovery Officer, DRT, Pune. ..Applicant.
V.s
Shri Kanhaiyalal Motilal Talera ..Respondent
(Contemner)

Mrs. P.H. Kanmtharia, APP for the applicant

Shri S.S.Kshirsagar for Respodnent No.1.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

RESERVED FOR ORDER ON 22ND NOVEMBER, 2006.
ANNOUNCED ON 27TH NOVEMBER, 2006

ORDER (PER J.H. BHATIA, J.)

. In the original Application No. 105/2001 filed by ICICI Bank Ltd. against Dynamic Logistics Pvt. Ltd., recovery certificate was issued as per an interim order by the Debts Recovery Tribunal, Mumbai. Later on the proceeding was transferred to Pune. The Recovery Officer, DRT, Pune, proceeded with attachment of certain properties for recovery of the amounts on the basis of the recovery certificate. The Respondent-Contemner, who is one of the Directors of the said Company, issued public notice in Pune edition of "Sakal" newspaper, as

well as in the "Economic Times" to the effect that the attachment by DRT was illegal and in violation of orders of DRT as well as Bombay High Court. According to the recovery officer, the statements made in the said public notice are baseless, reckless, irresponsible, unwarranted and contemptuous.

2. In response to the notice issued by this Court on the contempt petition, the respondent-contemner has filed his affidavit-in-reply, wherein he has, while explaining the circumstances in which pubic notice was issued, has offered unconditional apology. He submits that he had never intended to interfere or obstruct the administration of justice. Taking into consideration the circumstances, we find that the apology tendered by the respondent is sincere and therefore, we accept the same.

3. As the unconditional apology is accepted, contempt notice stands discharged.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**